



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/551,415

11/17/2005

Toshiyuki Oga

Q90624

4446

23373 7590 05/29/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/551,415</p>	<p>Applicant(s) OGA, TOSHIYUKI</p>	
	<p>Examiner TUAN H. NGUYEN</p>	<p>Art Unit 2618</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: 3-4, 11, and 12.
- Claim(s) rejected: 1, 2, 5-10 and 13-50.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

Continuation of 3. NOTE: Applicant's argument are not persuasive. Regarding applicant's argument filed on 04/08/2008 that Imura Shigeru et al. (Japanese Publication Number: 08-149035 hereinafter, "Imura") in view of Ono et al. (U.S PAT. 7,050,779 hereinafter, "Ono") reference cited by Examiner does not teach or suggests "at least an information processing terminal wherein a baseband processing section and the information processing terminal operate in synchronization with a clock as claimed by Applicant" (applicant's argument page 2). Examiner respectfully disagrees with the Applicant arguments. Applicant should refer to Ono reference col. 6 lines 18-28 i.e., "a control register CRG is provided in the control circuit 27, and the setting of the register CRG is made on the basis of the signals from the baseband circuit 6. More concretely, clock signals CLK for synchronization, data signals SDATA, and load enable signals LEN as control signals are supplied to the RF processing unit 5 (read on information processing terminal) from the baseband circuit 6 (read on baseband processing section). When the load enable signals LEN are asserted to effective levels, the control circuit 27 sequentially takes in the data signals SDATA transmitted from the baseband circuit 6 in synchronization with the clock signals CLK to set them into the above-mentioned control register CRG", figure 1, col. 6 lines 18-28 where as the Examiner interpreted "a baseband processing section and said information processing terminal operate in synchronization with a clock". Further, Applicant argues that the RF processing unit does not perform information processing as understood by one of ordinary skill in the art, but performs the well understood functions of modulation and demodulation of transmitted signals (Applicant argument page 3). Examiner respectfully disagrees with the Applicant arguments. Applicant should refer to figure 1 of Ono reference where the RF processing unit 5 performs the functions of modulation and demodulation of transmitted signals where as the modulation and demodulation functions that process the data/information and the signals together. Therefore, the rejection of claims 1,2,5-10 and 13-50 are maintain.

/Tuan Nguyen/
Examiner
571-272-8329

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618